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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,114	03/05/2002	Rainer Hillebrand	RBL0085	6351
7590		01/08/2008		
John F Hoffman Baker & Daniels 111 East Wayne Street Suite 800 Fort Wayne, IN 46802			EXAMINER PATEL, NIKETA I	
			ART UNIT	PAPER NUMBER
			2181	
			MAIL DATE	DELIVERY MODE
			01/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mn

Office Action Summary	Application No.	Applicant(s)	
	10/048,114	HILLEBRAND, RAINER	
	Examiner	Art Unit	
	Niketa I. Patel	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The brief description of the drawings section should include a summary of the newly added figure 2.

Claim Objections

3. Claims 10, 15-16 objected to because of the following informalities: the independent claims 15 and 16 recite the phrase 'best-suited display format' is vague and indefinite. The specification fails to provide clear explanation of what is included or excluded by the use of phrase "best-suited display format", therefore meets and bounds of the claims cannot be determined. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 10 and 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 15 recites the limitation "the best-suited display" in line 10. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 15 recites the limitation "the requested data" in line 12. There is insufficient antecedent basis for this limitation in the claim.
8. Dependent claim 10 inherits the same deficiency.
9. Claim 16 recites the limitation "the best-suited display" in line 11. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 16 recites the limitation "the requested data" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 10, 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Moriya U.S. Patent Number: 6,161,140 (hereinafter "*Moriya*").
13. **Referring to claims 15, 16**, taking claim 15 as exemplary, *Moriya* teaches a process for transferring data from a data-preparing device to a data-requesting device [see abstract], comprising: the data-requesting device requests, over a network, data to be transmitted to it by the data-preparing device [see abstract; figure 2, elements 10a-c, NW, 202, 201; figure 4, 'Display Size'; column 3, lines 25-41; Figures 9A and 9B]; the data-requesting device transmits

to the data-preparing device over the network information data about the capabilities of the data-requesting device, said information data transmitted by the data-requesting device including a list of usable display formats for the data-requesting device [see abstract; figure 2, elements 10a-c, NW, 202, 201; figure 4, 'Display Size'; column 3, lines 25-41; Figures 9A and 9B]; the data-preparing device then, according to availability at the data-preparing device, selects the best-suited display format from the list of usable display formats transmitted by the data requesting device [see abstract; figure 2, elements 10a-c, NW, 202, 201; figure 4, 'Display Size'; column 3, lines 25-41; Figures 9A and 9B]; and the data preparing device then transmits data over the network to the data-requesting device in the selected display format [see abstract; figure 2, elements 10a-c, NW, 202, 201; figure 4, 'Display Size'; column 3, lines 25-41; Figures 9A and 9B.]

14. Referring to claim 10, *Moriya* teaches wherein the information data are transmitted to the data-preparing device over a device engaged between the data-requesting device and the data-preparing device [see abstract; figure 2, elements 10a-c, NW, 202, 201; figure 4, 'Display Size'; column 3, lines 25-41; Figures 9A and 9B.]

Response to Arguments

15. Applicant's arguments filed 10/25/2007 and 08/02/2007 have been fully considered but they are not persuasive. Applicant argues that *Moriya* does not teach the limitation of "list of usable display format" (emphasis added).

16. Examiner respectfully disagrees with this argument because the term "list" is broad enough to encompass a list of "one element". Therefore, *Moriya* teaches the limitation of "list of usable display format" at column 3, lines 6-36, and column 5, lines 1-26 (a code that describes capability of the display.)

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

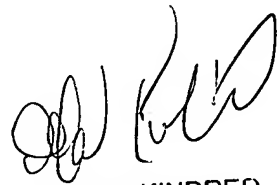
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272 4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Niketa Patel
Patent Examiner



ALFORD KINDRED
SUPERVISORY PATENT EXAMINER